

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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AUTOEXPO ENT. INC., PEACE PROPERTIES LLC,
NETWORK REINSURANCE COMPANY INC., AUTO
EXCHANGE CENTER, LLC, and CHROME
INSURANCE AGENCY LLC,

Plaintiffs,

-against-

OMID ELYAHOU, SIMPSOCIAL LLC, UNITED
CITIZENS WARRANTY LLC, FIFTY SEVEN
CONSULTING CORP. d/b/a CERTIFIED AUTO
GROUP a/k/a CERTIFIED PERFORMANCE MOTORS,
AVI EITAN, and FAZEEDA KASSIM,

Defendants.
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Case No.: 2:23-cv-9249 (OEM) (ST)

**DECLARATION OF MICHAEL
SHAHKOOHI**

I, MICHAEL SHAHKOOHI, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am President, sole director and 80% shareholder of Plaintiff Autoexpo Ent. Inc. (“AutoExpo”). I submit this declaration based on my personal knowledge and my review of books and records kept and maintained by AutoExpo in the ordinary course of business in opposition to the respective motions by Defendants Omid Elyahou (“Elyahou”), Simpsocial LLC (“SimpSocial”), and United Citizens Warranty LLC (“United Citizens,” collectively, “Elyahou Defendants”), and Defendants Avi Eitan, Fifty Seven Consulting Corp. d/b/a Certified Auto Group a/k/a Certified Performance Motors and Fazeeda Kassim (“Kassim”) (collectively, “Certified Defendants,” with the Elyahou Defendants, the “Defendants”) seeking dismissal of AutoExpo’s claims brought on behalf of AutoExpo’s 401(k) Defined Contribution plan (the “Plan”) and its participants, as a fiduciary, under the Employee Retirement Income Security Act, 29 U.S.C. § 1001, et. seq. (“ERISA”) as asserted in AutoExpo’s amended complaint (the “Amended

Complaint,” Dkt. 48). AutoExpo alleges that Elyahou, while acting as a Plan fiduciary, improperly and without authority, transferred Plan assets (“Plan Assets”) from the Plan to a seller of real estate to purchase a multi-million house for himself.

2. The Amended Complaint refers to specific provisions of AutoExpo’s June 28, 2021 Defined Contribution Adoption Agreement and AutoExpo’s Defined Contribution Plan. Accordingly, to provide the Court with a more complete record, I annex true and accurate copies of those documents hereto, respectively, as Exhibits “1” and “2.”

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 22, 2025



MICHAEL SHAHKOCHI